

THE CITY COUNCIL OF THE CITY OF CALEXICO MET IN REGULAR SESSION ON THE 19TH DAY OF JANUARY, 2010 AT 6:30 P.M. AT THE CITY HALL COUNCIL CHAMBERS, 608 HEBER AVENUE, CALEXICO, CA. THE DATE, HOUR AND PLACE DULY ESTABLISHED FOR THE HOLDING OF SAID MEETING.

CLOSED SESSION-5:30 P.M.

CALL TO ORDER.

The Closed Session portion of the agenda was called to order at 5:30 p.m.

ATTENDANCE.

Mayor: David B. Ouzan
Mayor Pro Tem: John Moreno
Councilman: Luis J. Castro
Councilman: Daniel Romero
Councilman: Guillermo Hermosillo

The City Council convened into Closed Session at 5:30 p.m. to discuss the following:

1. Confer with Legal Counsel-Existing Litigation (Subdivision (a) of Section 54956.9 4 cases)
 - a. Citizens for Honesty and Integrity in Calexico v. City of Calexico (ECU 05244)
 - b. Citizens for responsible equitable environmental development v. City of Calexico (ECU 05535)
 - c. Chico v. Heffernan Et Al (ECU 05585)
 - d. Alarcon v. City of Calexico

The City Council reconvened from Closed Session at 6:15 p.m. The Council discussed No. 1 a-d, direction was given, no reportable action was taken at this time.

APPROVAL OF AGENDA.

A motion was made by Councilman Romero, seconded by Mayor Pro Tem Moreno and passed unanimously to approve the agenda as presented.

ANNOUNCEMENTS/PUBLIC COMMENTS.

Mr. Ruben Lozano, 1840 E. Fourth Street, was present representing his colleagues at Las Palmas and Santo Tomas Swap Meets. Mr. Lozano made reference to the increase to the business licenses and stated they were not advised that there would be an increase they only found out when they received their statements. The increase is in the Fire Department fees, they are

asking for a reduction to the fee. He also requested they be advised when fees are going to be raised.

Mayor Ouzan asked if the City has a payment plan option. He asked for information on how the fees were increased. City Manager informed that over the last year the City directed the department heads to come up with revenue generating ideas. There were several public hearings held and in October 2009 the City Council passed a study for every department. The City can come up with a payment arrangement plan for those that are having difficulty in paying or the Council can revisit the study. They can meet with the individual proprietors of Santo Tomas and Las Palmas Swap Meets and take it on a case by case basis. If this becomes too much of a burden there can be another meeting where the item can appear on the agenda and then the Council can take action.

Mayor informed those merchants present that if they have difficulty paying for this fee, they can schedule a meeting with the City Manager.

Mr. Vincent Cuevas, 734 Dool Avenue, asked if the Council was in violation of the Brown Act when they had a press conference regarding a donation to Haiti, because they met and decided to spend this money. He asked where the City was going to get the money from. Mr. Cuevas recommended an investigation by the Grand Jury regarding the violation of the City's contribution of \$5,000 to Haiti.

GENERAL COMMENTS BY CITY COUNCIL MEMBERS.

Councilman Romero stated a person approached him regarding a business license for a mobile food service. He asked Mr. Armando Villa, Director of Community Development Services, to have a check list, of minimum requirements, available for people that ask for permits. Councilman Romero also made reference to a statement that was posted on a blog. He stated there was an incident that involved him and he was cited by the local Police Department and it has been misrepresented that he approached the Police Department and advised them that Councilmen should not be cited and this is not true. He was cited and he will honor the citation, at no time did he ask for political favors.

Councilman Hermosillo stated he had a request from a couple of residents regarding a stop sign at Holdridge and Iris.

Councilman Castro asked that the request from merchants at Las Palmas and Santo Tomas Swap Meet be placed on the next agenda.

Mayor Pro Tem Moreno made reference to the blogs and bad press and stated his focus is still for the betterment of the community and he moves forward to make Calexico a better place. The press should focus on the good things that happen in Calexico. He congratulated City staff

for the flag pole on Rockwood between Fourth and Third Streets. He congratulated the Elks on their week end event.

Mayor Ouzan congratulated Mr. Nick Fenley and his department for the planters in the down town area. He thanked the City Manager for working on the traffic in the down town area. He asked for an update on the parking lot at Heber and Third Street it was supposed to be enhanced by the RDA. He thanked the City Manager for working with the taxi companies and bringing solution to some of the raitero problems. Perhaps soon they can have a bus available for those people that want to travel by bus in the City.

CONSENT AGENDA.

A motion was made by Mayor Pro Tem Moreno, seconded by Councilman Hermosillo and passed unanimously to approve the Consent Agenda consisting of the following: Adopted resolutions approving the Sideletter Agreement between the City and SEIU/Certified Operators providing the City will make available State Disability Insurance to Certified Operator Employees, and approving the application for State Disability Insurance to the State for Supervisors and Certified Operators; Adopted resolution in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010; Adopted Budget Amendment resolution for the Library; Authorized the award of a contract to Dynamics Consulting Engineers, Inc. to provide consultant engineering services for the survey and design of the RDA Economic Development Administration Grant Off-Site Improvements Project.

ADOPT BUDGET AMENDMENT RESOLUTION FOR LIBRARY DONATIONS.

Councilman Romero stated it is good that fees are being established. He asked if this something they will spend when they receive the donation or spend anticipating how much money they will receive. Ms. Tauler, Community Services Director, stated they will spend what they receive.

A motion was made by Councilman Romero, seconded by Mayor Pro Tem Moreno and passed unanimously to approve the budget amendment resolution for Library donations.

AUTHORIZE CITY MANAGER TO SIGN AN AGREEMENT WITH DPRA FOR ENGINEERING CONSULTING SERVICES TO CONDUCT PHASE II ENVIRONMENTAL SITE ASSESSMENT FOR THE CALEXICO GUN CLUB.

Councilman Romero stated there is a big difference between the company that is being recommended and the highest bidder, are they sure they will receive the services required? Mr. Estrada, Utility Services Director, stated they will receive all services required. Councilman Romero asked if a Change Order is going to be expected. Mr. Estrada stated he hopes not they have met with the person in charge of the company to discuss this.

A motion was made by Councilman Romero, seconded by Mayor Pro Tem Moreno and passed unanimously to authorize City Manager to sign an agreement with DPRA for engineering consulting services to conduct phase II environmental site assessment for the Calxico Gun Club.

ADDENDUM TO AGENDA-CONSIDER RESOLUTION PERTAINING TO EARTHQUAKE PREPAREDNESS AND DISASTER RELIEF DONATION TO THE AMERICAN RED CROSS FOR HUMANITARIAN RELIEF EFFORT IN HAITI IN THE AMOUNT OF \$5,000.00.

City Manager stated that instead of sending Police Officer and Fire fighters to Haiti, the Red Cross suggested making monetary contributions. The City was to seek an amount it could try to generate and not spend any General Fund monies. The City has now generated donations in the amount of \$5,000. He thanked the donors for their generosity. They will continue to seek funding from the community.

Ms. Sylvia Preciado, American Red Cross Manager, congratulated the City for its leadership.

Mayor Ouzan thanked the Council who pledged money for Haiti.

A motion was made by Councilman Castro, seconded by Councilman Romero and passed unanimously to adopt the resolution pertaining to earthquake preparedness and disaster relief donations to the American Red Cross for humanitarian relief effort in Haiti.

ADOPT AN ORDINANCE AMENDING THE CITY'S BINGO ORDINANCE BY REPEALING CHAPTER 5.32 "BINGO" IN ITS ENTIRETY AND ADDING A NEW CHAPTER 5.32 "BINGO" TO THE CALEXICO MUNICIPAL CODE.

A motion was made by Councilman Romero, seconded by Councilman Castro to adopt the first reading by title only, waive full reading of ordinance amending the City's Bingo ordinance by repealing Chapter 5.32 "Bingo" in its entirety and adding a new chapter 5.32 "Bingo" to the Calxico Municipal Code.

ADOPT AN ORDINANCE AMENDING SECTION 2.19.020 "REMOVAL" OF CHAPTER 2.19 ELIGIBILITY AND PROCEDURES FOR COMMISSIONS, BOARDS AND COMMITTEES.

A motion was made by Mayor Pro Tem Moreno, seconded by Councilman Hermosillo to adopt the first reading, by title only, waive full reading, of Ordinance amending Section 2.19.020 "Removal" of Chapter 2.19 Eligibility and Procedures for Commissions, Boards and Committees. Voting was as follows:

AYES: Hermosillo, Ouzan, Moreno, Castro
NOES: Romero
ABSENT: None

CONSIDER APPROVING POLICY REGARDING AUTHORITY OF CITY MANAGER TO APPROVE DEVELOPER/CITY REIMBURSEMENT AGREEMENTS AND CITY/CONSULTANT AGREEMENTS FOR COSTS INCURRED FOR DEVELOPMENT PROJECT PROCESSING.

A motion was made by Mayor Ouzan, seconded by Councilman Romero and passed unanimously to consider approving policy regarding authority of City Manager to approve developer/City reimbursement agreements and City/consultant agreements for costs incurred for development project processing.

CONSIDER ENTERING INTO A LEASE AGREEMENT WITH IMPERIAL VALLEY RESOURCE MANAGEMENT AGENCY (IVRMA) AND THE CITY OF CALEXICO TO DESIGNATE ½ ACRE OF WATER TREATMENT PLANT PROPERTY TO CONSTRUCT, OPERATE AND MAINTAIN A HOUSEHOLD HAZARDOUS WASTE FACILITY FOR CALEXICO AND IMPERIAL VALLEY RESIDENTS.

A motion was made by Councilman Romero, seconded by Councilman Hermosillo and passed unanimously to enter into a lease agreement with Imperial Valley Resource Management Agency and the City of Calexico to designate ½ acre of water treatment plant property to construct, operate and maintain a household hazardous waste facility for Calexico and Imperial Valley residents.

COUNCILMAN ROMERO'S APPOINTMENT TO THE PERSONNEL COMMISSION.

Councilman Romero appointed Esther Gomez to the Personnel Commission.

FUTURE AGENDA ITEMS BY CITY COUNCIL MEMBERS.

Councilman Castro requested that the item regarding fees at the Swap Meets be placed on the next agenda.

Councilman Romero requested the item of Budget v. actual Financial Reports for the next agenda. He also requested a checklist of requirements for pulling permits from the Development Services Dept.

PUBLIC HEARING-CONSIDER ADOPTING ORDINANCE ADDING THE R2 ZONING CLASSIFICATION, A MEDIUM DENSITY RESIDENTIAL CATEGORY AND RELATED IMPLEMENTING REGULATIONS TO TITLE 17 OF THE MUNICIPAL CODE.

A motion was made by Councilman Romero, seconded by Councilman Hermosillo and passed unanimously to adopt the first reading, by title only, waive full reading of ordinance adding the R2 zoning classification =, a medium density residential category and related implementing regulations to Title 17 of the Municipal Code.

CONSIDERATION TO (1) RESCIND ALL ENTITLEMENTS FOR THE MEGAPARK PROJECT, (2) AMEND THE GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION FOR THE MEGAPARK PROPERTY; AND (3) REZONE THE MEGA PARK PROPERTY TO BE CONSISTEN WITH THE GENERAL PLAN.

City Attorney requested an extension on this public hearing to February 2, 2010.

A motion was made by Councilman Hermosillo, seconded by Councilman Romero and passed unanimously to continue this public hearing to February 2, 2010.

INFORMATION ITEMS.

The City Council acknowledged receipt of the following information items: Arts Commission minutes for December 7, 2009; Beautification Committee minutes for October 12, 2009.

ADJOURNMENT.

There being no further business the meeting adjourned at 7:30 p.m.

David B. Ouzan, Mayor

Attest:

Lourdes Cordova, City Clerk